

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

RICKY SAMUEL ANDERSON,

Petitioner,

v.

CIVIL ACTION NO. 3:24-0184

WEST VIRGINIA DIVISION OF  
CORRECTIONS AND REHABILITATION,  
WRJ,  
SRJ,  
MIKE DAVENPORT,

Respondents.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that the Court deny the Application to Proceed Without Prepayment of Fees and Costs (ECF No. 2), dismiss this case, without prejudice, and remove it from the docket of the Court. No objections to the Magistrate Judge's findings and recommendations have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **DENIES** the Application to Proceed Without Prepayment of Fees and Costs (ECF No. 2), **DISMISSES** this case, without prejudice, and **REMOVES** it from the docket of the Court, consistent with the findings and recommendations. Petitioner subsequently filed a

second Application to Proceed Without Prepayment of Fees and Costs (ECF No. 6). The Court **DENIES** the second Application.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: May 22, 2024

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE